

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4689 of 2007

05.4.2007

Between:

K.Mahalaxmudu, S/o.Nancharaiah

... Petitioner

AND

The District Collector, Krishna at Machilipatnam

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4689 of 2007

ORDER:

The petitioner is a resident of Krishnapuram H/o.Edurumondi village of Nagayalanka Mandal Krishna District. He filed the instant writ petition seeking a writ of Mandamus directing the respondents 1 and 2 to take necessary action to recover the land admeasuring Acs.2.10 in R.S. No.66/3Pt of the said village (hereafter called, the subject land).

The grievance of the petitioner is as follows. The subject land was assigned to a landless poor person, namely, T.Nageswara Rao, S/o.Rattaiah. He did not cultivate the land and left the village. The third respondent filed a suit against the fourth respondent for recovery money. The said suit being O.S.No.62 of 2001 was decreed by the learned Senior Civil Judge, Avanigadda. In execution of the decree, the third respondent filed E.P.No.34 of 2003 and brought the subject land for sale showing the same as if the property belongs to fourth respondent. The petitioner allegedly brought the same to the notice of the Mandal Revenue Officer, Nagayalanka Mandal (MRO), and the Chief Commissioner of Land Administration, by making representation, in vain.

This matter was heard at the preliminary stage on 08.3.2007. To enable the learned Assistant Government Pleader for Revenue (Assignment), it was adjourned. Today, after getting instructions in the matter, learned Assistant Government Pleader submits that the petitioner has no *locus standi* as he is neither assignee nor has personal interest in the subject land. He further submits that after receiving representation, the MRO has initiated necessary action in the matter and that on 24.3.2007 the statement of the petitioner was recorded. Now that the MRO initiated the enquiry, this Court observes that if the original assignee is not in cultivation of the subject land, the MRO may resume the land and file appropriate application before the Executing Court immediately.

The writ petition, with the above observation, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

April 05, 2007.

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